

TABLE 4.—LABORATORY FEES ¹—
Continued

Laboratory tests	Fees
(68) Other laboratory tests	2

¹When laboratory test service is provided for GIPSA by a private laboratory, the applicant will be assessed a fee which, as nearly as practicable, covers the costs to GIPSA for the service provided.

²Fees for other laboratory tests not referenced above will be based on the noncontract hourly rate listed in Table 1.

(b) If a requested test is to be reported on a specified moisture basis, a fee for a moisture test will also be assessed.

(c) Laboratory tests referenced in Table 4 will be charged at the applicable laboratory fee listed in Table 4 when performed at field locations other than at the applicant's facility.

David R. Shipman,

Acting Deputy Assistant Secretary, Marketing and Regulatory Programs.

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7 CFR Part 868

United States Standards for Beans

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is revising the United States Standards for Beans. Specifically, FGIS is eliminating the factor "clean-cut weevil-bored beans" from the grade requirements for the class Blackeye beans and changing the grade limits for the factors "total defects," "blistered, wrinkled and/or broken beans," and "splits" for the class Baby Lima beans. FGIS is changing the standards to facilitate the marketing of beans.

EFFECTIVE DATE: August 1, 1995.

FOR FURTHER INFORMATION CONTACT:

George Wollam, GIPSA-FGIS, USDA, Room 0623 South Building, P.O. Box 96454, Washington, DC, 20090-6454; telephone (202) 720-0292; FAX (202) 720-4628.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Department is issuing this rule in conformance with Executive Order 12866.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

James R. Baker, Administrator, GIPSA, has determined that this final rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of the inspection service do not meet the requirements of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities.

Information Collection and Recordkeeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements in Part 868 have been approved previously by OMB and assigned OMB No. 0580-0013.

Review of Standards

On February 24, 1995, FGIS proposed in the **Federal Register** (60 FR 10336) to revise the United States Standards for Beans. Specifically, FGIS proposed eliminating the factor "clean-cut weevil-bored beans" from the grade requirement for the class Blackeye beans and that "clean-cut weevil-bored beans" be considered as "worm-cut" or "insect damaged" beans. FGIS also proposed changing the grade limits for the factors "total defects," "blistered, wrinkled and/or broken beans," and "splits" for the class Baby Lima beans to coincide with the grade limits for similar factors in other classes of beans.

Interested parties were invited to participate in the rulemaking process by

submitting written comments and/or recommendations regarding the official standards. During the 90-day comment period, one written comment was received from a California bean industry group. This group pointed out that there was a typographical error in the Baby Lima bean grade chart. The factor "splits" was erroneously included as part of the factor "total defects;" "splits" is a separate grading factor in this class of beans. Accordingly, the proposed changes to the standards for Blackeye and Baby Lima beans are adopted as a final rule without change, and the grade chart for Baby Lima beans will be corrected to remove the factor "splits" (SP) from being included in the factor "total defects."

Final Action

Based on current market needs and other available information, FGIS is revising:

1. Section 68.134 by eliminating the grading factor "clean-cut weevil-bored" and by eliminating footnote 2 which states that "Beans with more than 0.5 percent clean-cut weevil-bored beans are graded U.S. Sample grade." Footnotes that are presently numbered 3 and 4 are proposed to be renumbered 2 and 3, respectively.

2. Section 68.140 by changing the grading limits for the factors "total defects," "blistered, wrinkled, and/or broken beans," and "splits" to 2.0, 4.0, and 6.0 percent for U.S. Nos. 1, 2, and 3, respectively.

List of Subjects in 7 CFR Part 868

Administrative practice and procedures, Agricultural commodities, Beans.

For reasons set forth in the preamble, 7 CFR Part 868 is amended as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

1. The authority citation for Part 868 continues to read as follows:

Authority: Secs. 202-208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*).

2. Section 868.134 is revised to read as follows:

§ 868.134 Grades and grade requirements for the class Blackeye beans.

Grade	General appearance	Percent maximum limits of—				
		Moisture ¹	Total defects (DKT, FM, CCL, & SP)	Total damaged	Foreign Material	
					Total	Stones
U.S. No. 1	The Special Grade Off-Color May Be Applied After The Removal of Total Defects.	18.0	4.0	2.0	0.5	0.2
U.S. No. 2		18.0	6.0	4.0	1.0	0.4
U.S. No. 3		18.0	8.0	6.0	1.5	0.6
Grade				Percent maximum limits of—		
				Contrasting classes ²	Classes that Blend ³	
U.S. No. 1				0.5	5.0	
U.S. No. 2				1.0	10.0	
U.S. No. 3				2.0	15.0	
U.S. Substandard	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.					
U.S. Sample grade	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.					

¹ Beans with more than 18.0 percent moisture are graded High moisture.

² Beans with more than 2.0 percent contrasting classes are graded Mixed beans.

³ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

3. Section 868.140 is revised to read as follows:

§ 868.140 Grades and grade requirements for the classes Baby Lima and Miscellaneous Lima beans.

Grade	General appearance	Percent maximum limits of—				
		Moisture ¹	Total defects (DKT, FM, & CCL)	Badly damaged	Foreign material	
					Total	Stones
U.S. No. 1	The Special Grade Off-Color May Be Applied After The Removal of Total Defects.	18.0	2.0	1.0	0.5	0.2
U.S. No. 2		18.0	4.0	1.5	1.0	0.3
U.S. No. 3		18.0	6.0	2.0	1.5	0.6
Grade		Percent maximum limits of—				
		Contrasting classes ²	Blistered, wrinkled, and/or broken	Splits	Classes that blend ³	
U.S. No. 1		0.5	2.0	2.0	5.0	
U.S. No. 2		1.0	4.0	4.0	10.0	
U.S. No. 3		2.0	6.0	6.0	15.0	
U.S. Substandard	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.					
U.S. Sample grade	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.					

¹ Beans with more than 18.0 percent moisture are graded High moisture.

² Beans with more than 2.0 percent contrasting classes are graded Mixed beans.

³ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

Dated: July 5, 1995.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

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